IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.77 OF 2006
IN
NOTICE OF MOTION NO.3246 OF 2005
IN
SUIT NO.2939 OF 2005

Magna Publishing Ltd. & Ors. .. Appellants
V/s
Miss Niki Francis D'Souza &
Kanishka Kapoor .. Respondents

Mr.V.V.Tulzapurkar i/by M/s.Wadia Ghandy & Co.for the Appellants.

Ms.Purnima G.Bhatia for Respondent No.1.

CORAM: DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 14.03.2006.

P.C.:

1. Heard the learned Counsel for the parties. By this Appeal, the appellants are challenging the ad-interim order dated 27th October, 2005 passed by the learned Single Judge. After hearing the learned Counsel for some time, both the parties are agreeable if the Notice of Motion itself is expeditiously heard and disposed of by the learned Single Judge. The learned Single Judge is therefore requested to hear and dispose of the Notice of Motion expeditiously.

2. In the facts and circumstances of the case, however, the ad-interim relief granted by the learned Single Judge in terms of prayer clause (a) of the Notice of Motion, shall stand modified, by deleting the bracketd portion. The said prayer clause (a), after modification

shall read as under:-

"That pending the hearing and final disposal of the suit, the Defendants by themselves, their servants and agents or otherwise however, be restrained by an order and injunction of this Hon'ble Court from repeating the defamatory statements particularised in paras 7 and 8 of the plaint against the Plaintiff in the magazine SOCIETY or any other publication or otherwise whatsoever and/or circulating copies of the infringing article already published in the said magazine SOCIETY-June 2005 issue amongst the people/film producers with whom the Plaintiff is associated."

3. The learned Counsel for the Appellant states that the affidavit in reply will be filed within a period of two weeks from today. The rejoinder, if any, to be filed within a period of two weeks thereafter.

4. Needless to say that while hearing the Notice of Motion, the learned Single Judge shall not be influenced by the observations made in the ad-interim order.

5. Appeal stands disposed of in the above terms.

(DR.S.RADHAKRISHNAN, J.)

(S.J.VAZIFDAR, J.)